

AGENDA ITEM #
May 14, 2004

To: Delta Protection Commission

From: Margit Aramburu, Executive Director

Subject: Report from the Delta Land Use Impacts Committee

The new Committee (Coglianese, Kelly, van Loben Sels) met on May 10, 2004. The Committee is not yet prepared to make recommendations for Commission action. However, the Committee discussed several issues and has the following report:

Current Practice for Reviewing and Commenting on Proposed Actions Leading to Change of Land Use and/or Urbanization:

Staff presented a memo summarizing the current practice for reviewing and commenting on projects in the Primary Zone and Secondary Zone (memo attached), and for circulating copies of the comment letters.

- *The Committee discussed the various categories of projects and directed staff to develop a criteria based system to evaluate proposed projects and actions that could be used to determine which projects would be reviewed by staff, and which would be reviewed by the Commission as a whole.*
- *The Committee asked for more information about how local governments comply with Delta Protection Commission comments.*
- *The Committee asked for more information about how many projects are tracked and how many comment letters are sent.*
- *The Committee discussed review of actions by local governments that would expand areas addressed by City General Plans (planning areas, spheres of influence, annexations).*
- *The Committee discussed opportunities for the Commission to review and comment on early stages of proposed projects (scoping meetings, early project review, etc.)*

Delineation of Impacts of Projects in the Secondary Zone and Possible Impacts on the Resources of the Primary Zone:

Staff presented a chart of project types and possible areas of impacts.

- *The Committee asked if zoning is consistent with local government General Plan, and what action the Commission took when it reviewed and accepted the local government.*
- *General Plans as required in the Delta Protection Act.*
- *The Committee discussed various categories of projects and impacts, and directed staff to develop alternative tools, possibly similar to the CEQA checklist or a more detailed matrix.*
- *The Committee suggested that staff catalog issue/impacts that are addressed by current Plan policies.*
- *The Committee noted that some development that impacts Primary Zone resources is outside the Legal Delta, such as regional transportation systems.*
- *The Committee discussed the origin of the boundary of the Legal Delta; Commissioner Coglianese noted City of Rio Vista research shows the core is irrigation districts that were or had proposed to be served by Delta surface waters.*

Identification of Projects Approved in the Primary and Secondary Zones since 1993:

Staff presented a draft inventory of projects approved in the Primary and Secondary Zones since 1993 and a chart showing total growth in the five Delta Counties. Staff noted this information had been requested by the Reclamation Board, and would also address the one of the issues adopted by the Commission at the February meeting--to identify changes in land use in the Secondary Zone. The Commission has also been urged by California Bay Delta Authority staff to monitor and evaluate Secondary Zone projects, and their impact on the Primary Zone resources.

- *The Committee reviewed the draft material and directed staff to continue the work of identifying approved projects.*
- *The Committee also discussed and suggested staff develop maps that would better illustrate the changes in land use in the Primary and Secondary Zones since 1993.*
- *The Committee asked for information about which projects were planned before 1993 (General Plan designations, spheres of influence, etc); and which projects were "committed" [using the definition of committed used by Department of Conservation].*
- *The Committee asked for information about historic and cultural properties in the Delta.*

Current Practice for Reviewing and Commenting on Proposed Actions Leading to Change of Land Use and/or Urbanization:

The Commission's current policies regarding projects in the Primary and Secondary Zones of the Legal Delta and their differences:

1. The Commission has an appeal authority over local government actions in the Primary Zone of the Delta. The Commission's Land Use and Resource Management Plan for the Primary Zone of the Delta includes polices, which are now also regulations in the State Code of Regulations. The Commission's Plan also has a series of recommendations about lands in the Secondary Zone.
2. The Commission logs and tracks projects in the Primary and Secondary Zones, and some projects out of the Legal Delta. This public document is updated every month, and posted on the Commission's web site. The purpose of the document is to notify the Commissioners and members of the public of proposed projects that are located in the Primary Zone, and thus potentially appealable to the Commission, or that are in the Secondary Zone or outside the Legal Delta, yet might impact the Delta Primary Zone.

For **appealable projects in the Primary Zone** (projects subject to local government action) the Commission's staff may write a comment letter based on the policies in the Commission's Plan. Because the Commission could be asked to review a project appealed to it, the Commission does not review appealable projects at its meetings.

Examples:

- Subdivisions
- General Plan or Zoning Amendments
- Pipelines

For **projects that are not appealable, but are located in the Primary Zone** (projects not subject to local government actions, such as a State or federal project), the Commission may invite the project proponent to present projects at a Commission meeting to allow for public review and comment, and allow such input to be incorporated into a proposed project. In addition, the staff may send a letter based on the recommendations included in the Regional Plan.

Examples:

- North Delta National Wildlife Refuge
- Prospect Island restoration project
- CalTrans' Highway 160 guardrail construction project
- Acquisition of 12,000 acres in Yolo Bypass by Wildlife Conservation Board

For **projects that are not appealable because they are located outside the Primary Zone (Secondary Zone or Outside the Legal Delta)**, the Commission can invite the project proponent to present projects at a Commission meeting to allow for public review and comment, however, no such briefings have been agendized to date. The staff may send a letter based on the recommendations included in the Regional Plan. The Commission may also be asked to receive presentations on projects outside the Primary Zone of the Delta. These situations are evaluated on a case by case basis by the Chair.

Examples:

- Residential Development in Secondary Zone
- New runoff outfall pipes into waters of Primary Zone
- New marina in Secondary Zone adjacent to waters of Primary Zone

All staff comment letters are reviewed by the Chairman of the Commission prior to release.

The Commission has offered to provide a forum for public review and comment on **CALFED projects** within the Legal Delta as it is the only regional forum for such review and comment in the Delta area. The Commission has reviewed and commented on the CALFED programmatic environmental documents, numerous background reports, the draft Delta Implementation Plan, and various other CALFED documents.

The Commission has also reviewed and provided comments on various projects proposed for funding with public funds through the CALFED programs such as acquisition of McCormack Williamson Tract, Staten Island, and portions of Bradford Island, and habitat restoration on Georgiana Slough and Calhoun Cut. The Commission did provide comments on the proposed acquisition and enhancement of Dutch Slough, located in the Secondary Zone of the Delta, because it is a CALFED funded project located in the Legal Delta.